

LAW AND THE ART WORLD

Scams and villainy revisited: Just be careful!

By Bill Frazier ©2012

From time to time I like to revisit the issue of scams and caution readers to pay attention to the emails and other such correspondence that arrives on a daily basis. Artists are calling me about suspected scams more than anything else these days, and it probably comes as no surprise that I get many of the same emails that the rest of you are getting.

I know about the madams, secretaries and butlers, princes, princesses, duchesses, widows, orphans and various offspring of deposed dictators and assassinated cabinet members who have singled you out to help them receive their millions. This is known as the Nigerian scam.

Then there are the ones who want to pay you inflated amounts for your artwork by cashier's check and then get a refund on shipping costs. The problem is that the cashier's checks are counterfeit.

Here is a typical scam letter. The poor English and punctuation is theirs, not mine!

"I am located in New York presently, but will be relocating to my new home where i need your painting. I will instruct a client of mine to make payment. I will be responsible for transportation of painting from your location down to my destination, you don't have to worry about a thing.

I want you to know that the money order or cashier check that will be made out for payment will be in EXCESS funds, it will EXCEED the amount of the purchased item, the EXCESS funds will be transferred to my shipping agency through western union money transfer or money gramm transfer for them to able to arrange documents necessary and come over for pick up at your location, after you have received payment, taken it to your bank to have cashed. Agreement to transfer the excess funds to my shipper after you have received payment and taken to bank to have cashed ..."

Note the emphasis on cash and the poor English, which is often a red flag. The counterfeit cashier's checks, money orders or other such transfers have proven to be very good counterfeits. Often, even the bank does not discover the scam in time, cashes the check for the artist and the artist sends the excess

amount to the buyer. This is a triple hit for the artist because not only is he out the painting, but also the returned cash and failed payment.

Please pay attention and do not fall for these things. There are literally hundreds of thousands of these solicitations circulating on the internet, by telephone and regular mail. They are all variations on the above example. Some offer sob stories, want to buy for a special occasion, send a fake check, and then because of an illness or death in the family, they want the artist to cash the check and express back the cash to some foreign address.

There is usually always a sense of urgency; they are in a hurry and want the artist to drop everything and attend to their proposed purchase/emergency at once. I know that these scams sound crazy, but well-meaning people fall for them every day. If you receive such an email, feel free to forward it to your local FBI office or their website, www.fbi.gov.

Beware of scams involving IRS

During tax season, watch out for scams involving the IRS. Please note that the IRS uses regular U.S. mail and does not send emails to taxpayers, so if you get one appearing to be from the IRS, it is probably an attempt at identity theft. This is called "phishing" and such an attempt can be reported to the IRS at: phishing@irs.gov.

Websites selling pirated artwork

There are numerous internet sites designed to sell pirated artwork. Most of these sites are located outside the United States so that legal recourse is questionable. It is a good idea to surf art-related sites from time to time to check whether copies of any of your artwork are included.

Many of you might be surprised. I cannot name names, but I know that many of you have been surprised at what you have found out there.

Ebay is good about policing their sales and responding to complaints of copyright infringement, but they are only one of many sites. Most of the copies are Chinese and result from copying photos in magazines, brochures, and advertisements. Massive num-



Bill Frazier

bers of copies are shipped to Europe and the United States. These copies are very hard to control but some sites will remove them if the artist complains.

The sites change names frequently, have no physical addresses, and can be Googled under such themes as, for example, classic art, fabulous art, masters art works, original fine art, and so on. Work will be available as "originals" or prints, whatever you want.

Law enforcement agencies are aware of these piracies, but with international terrorism and limited resources, such crimes are low priority. Realistically, with no actual physical address, especially in the United States, catching these criminals is almost impossible.

Be suspicious of any proposed purchaser trying to solicit personal or financial information from you or your business. Do not ever give out Social Security numbers, bank account numbers or other such financial information. When you get suspicious emails, do not download any attachments. The sender may only be trying to deliver a new virus to your computer.

Do not be paranoid, just be careful and use good judgment. Good Luck!

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23

Find "Law and the Art World" online

Bill Frazier's "Law and the Art World" series is also available online with other articles from this and previous editions of *State of the Arts*.

Now there is a quick and easy way to search within "Law and the Art World" for Frazier's legal perspective on specific topics. His articles have been regrouped into 11 categories under the title "Artists' Legal Advice." In these, Frazier discusses contracts, auctions, taxes, copyright issues and other subjects of recurring interest to artists.

Please bear in mind Frazier's important advice when using the resource: " ... Don't forget that the law is a dynamic and ever-changing thing."

To reach the collection of articles, go to the arts council website at www.art.mt.gov and select the State of the Arts link on the right side of the home page. That takes you to the State of the Arts "News Articles" page and a drop-down box under the "View articles for specific section"; then choose "Artists' Legal Advice" from the drop-down menu.

Tech Talk: Photographing artwork, Part 1

By Mark Ratledge

If you're an artist and are applying for a grant or a gallery show of your work, or if you're photographing artwork for a website or brochure, you need high quality photographs. The reason should be obvious: your photographs are the only way to present your work to others, so they need to be the highest quality you can afford.

But how do you take good photographs of your artwork? By using the right equipment and getting prepared before you start work.

You need to take into account the quality of the camera you use and the kind of lighting in the location where you will photograph your work. If you need to use artificial lighting to photograph your artwork inside, you may need light fixtures and reflectors.

One other item you will need is a tripod; and you may need to take the time to correctly set up the tripod, too, if you're shooting 2D work mounted on a wall.

But first of all, invest in, rent or borrow a good camera: that's the most important piece of equipment. Realize that inexpen-

sive all-in-one point-and-shoot cameras and mobile phone cameras will not work. They might work for low-resolution shots for Facebook, but not for a gallery show proposal or a grant application.

When finding a camera to use, megapixels don't matter that much (see last issue's Tech Talk on megapixels). But do plan on shooting your photos at high image resolution and keeping copies of the full-size image files. You can always down-sample your digital photos to email and put on a website, but a gallery or a color printing will need higher quality shots.

And plan on using a tripod. That's one of the first things to remember when photographing artwork: don't try to hand-hold your camera. You need a tripod to steady the camera, which prevents blurry images from hand shaking and gives you the time to compose a shot.

Tripods are important for photographing 3D artwork. Having the camera mounted



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gives you a chance to step back and think about the photos and compose so you don't end up with numerous images to edit.

But for photographing 2D work, you need to take one more step: be sure your camera on the tripod is square with the wall where the artwork is hung. Tape or fix a small mirror flat on the wall and look through the viewfinder or at the camera screen. When the camera's lens is square to

the mirror, you'll be looking straight down the camera lens in the reflection in the viewfinder. With the camera sensor square to the artwork, you will be able to get nice straight lines of the edges of the work without distortion.

Next issue: The correct lighting and color balance for photographing artwork.